

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

W.E. AUBUCHON CO., INC., AUBUCHON)	
DISTRIBUTION, INC., W.E. AUBUCHON)	
CO. INC. EMPLOYEE MEDICAL)	C.A. No. 05-40159FDS
BENEFIT PLAN, and AUBUCHON)	(Louis M. Ciavarra BBO# 546481)
DISTRIBUTION, INC. EMPLOYEE)	(James P. Hoban BBO #633929)
MEDICAL BENEFIT PLAN)	(Colleen E. Cushing BBO# 663498)
Plaintiffs,)	
)	
v.)	
)	
BENEFIRST, LLC,)	
Defendant.)	

**PLAINTIFFS' ASSENTED-TO MOTION FOR LEAVE TO
FILE MEMORANDUM IN EXCESS OF TWENTY PAGES**

Pursuant to Local Rule 7.1(B)(4), Plaintiffs W.E. Aubuchon Co., Inc., Aubuchon Distribution, Inc., W.E. Aubuchon Co. Inc. Employee Medical Benefit Plan, and Aubuchon Distribution, Inc. Employee Medical Benefit Plan ("Plaintiffs") hereby move for leave to file a Memorandum in excess of twenty (20) pages in support of its Opposition to BeneFirst LLC's Motion for Summary Judgment.

As grounds for this Motion, Plaintiffs state that the additional pages are necessary for Plaintiffs to fully and adequately develop their legal arguments, and to furnish the Court with the relevant case law, background facts, and analysis necessary for Plaintiffs' arguments. Plaintiffs further state that they have conferred with counsel for the Defendant and that the Defendant has assented to the allowance of this Motion.

WHEREFORE, Plaintiffs respectfully request leave to file a Memorandum in excess of twenty (20) pages, not to exceed twenty-five (25) pages.

W.E. AUBUCHON CO., INC., AUBUCHON
DISTRIBUTION, INC., W.E. AUBUCHON CO.
INC. EMPLOYEE MEDICAL BENEFIT PLAN,
and AUBUCHON DISTRIBUTION, INC.
EMPLOYEE MEDICAL BENEFIT PLAN
By their attorneys,

/s/ James P. Hoban

Louis M. Ciavarra (BBO #546481)
James P. Hoban (BBO #633929)
Colleen E. Cushing (BBO #663498)
Bowditch & Dewey, LLP
311 Main Street, P.O. Box 15156
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Date: August 27, 2008

LOCAL RULE 7.1 CERTIFICATE

I, James P. Hoban, am an attorney authorized to practice before the United States District Court for the District of Massachusetts. I represent the Plaintiffs, W.E. Aubuchon Co., Inc., Aubuchon Distribution, Inc., W.E. Aubuchon Co., Inc., Employee Medical Benefit Plan and Aubuchon Distribution, Inc., Employee Medical Benefit Plan, in the above-referenced case and I make this Affidavit on personal knowledge of the facts herein contained.

1. On August 27, 2008, I conferred with Defendant's counsel, Stephen D. Rosenberg, by telephone in a good faith effort to resolve the issues raised by Plaintiffs' Motion for Leave to File in Excess of 20 Pages. Attorney Rosenberg had no objection and assented to the allowance of the Motion.

2. I have complied with all other aspects of Local Rules 7.1.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY this 27th day of August 2008.

/s/ James P. Hoban

James P. Hoban

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on August 27, 2008.

/s/ James P. Hoban

James P. Hoban